

EXHIBIT 1

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

GEORGE JOHNSON,

Plaintiff,

vs.

DONALD P. WANG IN PERSONAM; THE
F/V THOR, OFFICIAL NUMBER 224713,
HER ENGINES, MACHINERY,
APPURTENANCES AND CARGO, IN REM,

Defendants

Case No. 2:16-cv-01738-JLR

**DECLARATION OF JOHN W.
MERRIAM IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEY FEES**

DECLARATION OF JOHN W. MERRIAM

1. I am one of the attorneys of record for the plaintiff in the above-entitled cause, have personal knowledge of the matter set forth herein and am competent to testify thereto for the limited purpose of this motion for attorney fees.

2. I have been practicing maritime law for 36 years. Since starting my own practice 22 years ago, I have limited that practice to the representation of claimants for maritime wages and injury. I am a former chairman for the Maritime Section of the Washington State Trial Lawyers Association (n/k/a Washington State Association for Justice). I have more than 20 published decisions to my credit that have set precedent in the general maritime law. *See, e.g., Jones v. Reagan*, 748 F.2d 1331 (9th Cir. 1984), *cert. denied*, 472 U.S. 1029 (1985); *Gruver v.*

DECLARATION OF JOHN W. MERRIAM IN SUPPORT OF
PLAINTIFF'S MOTION FOR ATTORNEY FEES - 1
CASE NO. 2:16-cv-01738-JLR

JOHN W. MERRIAM
4005 20th Avenue West, Suite 110
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T (206) 729-5252 + F (206) 729-1012

1 *Lesman*, 49 F.3d 978 (9th Cir. 2007); *Lundborg v. Keystone Shipping Co.*, 981 P.2d 854 (Wash.
2 1999); *Dean v. Fishing Co. of Alaska*, 300 P.2d 815 (Wash. 2013).

3 3. When billing by time expended, my standard rate is \$450 per hour. I was recently
4 awarded attorney fees at \$450 an hour in *Dunn v. Hatch*, 218 A.M.C. 1326, 1328 (D. Idaho
5 2018).

6 4. Because 99% of my income is from contingent fees, I do not normally keep
7 contemporaneous time records because it is inordinately time-consuming to do so. Attached to
8 this declaration is a reconstructive detail of time expended on this case. The attached detail is
9 significantly *understated*. It lists only those items for which there exists a written record, and for
10 which I made a low estimate of time expended on each. Omitted are countless meetings with
11 George Johnson and Elwood Latta, who frequently dropped into my office unannounced,
12 sometimes on a daily basis. Also omitted are countless phone calls and emails to and from my
13 client. Further omitted are numerous hours spent on lengthy phone calls, emails, and meetings in
14 person with co-counsel, Neil Lindquist, to discuss strategy and procedure in preparation for trial
15 of this case. Finally, the time spent in preparation for this motion is not included. I would
16 estimate that the attached time detail represents less than half the time I have actually spent on
17 this case.

18
19 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
20 and correct to the best of my knowledge and belief.

21 Dated this 24th day of September, 2018.

22 /s/ John W. Merriam
23 John W. Merriam

CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of Washington that on the 24th day of September, 2018, I electronically filed the above document with the Clerk of the Court using the E-FILING system which will send notification of such filing to the below addressee(s), and by the additional methods indicated:

Donald P. Wang 392 Loma Drive, Suite 201 Los Angeles, CA 90017 Telephone: (213) 465-5553 Email: skyway420@live.com <i>Defendant Pro Se</i>	By: <input type="checkbox"/> U.S. MAIL <input type="checkbox"/> FACSIMILE <input type="checkbox"/> HAND DELIVERY <input checked="" type="checkbox"/> E-FILING <input checked="" type="checkbox"/> E-MAIL
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DATED this 24th day of September, 2018, in Seattle, Washington.

/s/ Karen M. Smart

Karen M. Smart, Paralegal
Law Office of John Merriam

THE HONORABLE JAMES L. ROBERT

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Defendants

Case No. 2:16-cv-01738-JLR

**DETAIL OF TIME EXPENDED BY JOHN
W. MERRIAM, CO-COUNSEL FOR
PLAINTIFF**

DATE	ACTIVITY	HOURS
09/22/16	Meet with George Johnson and Elwood Latta	2.0
09/22/16	Review documents from client	2.0
09/27/16	Review vessel abstract of title; file vessel lien, and give notice to all parties claiming interest in vessel	1.0
09/27/16	Draft letter of representation to Wang	0.2
10/03/16	Letter to Wang	0.1
11/10/16	Draft complaint and file suit	1.0
11/10/16	Draft waiver of service documents	0.2

DETAIL OF TIME EXPENDED BY JOHN W. MERRIAM, CO-COUNSEL
FOR PLAINTIFF - 1
CASE NO. 2:16-cv-01738-JLR

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DATE	ACTIVITY	HOURS
11/14/16	Review Order regarding case handling by Magistrate Donohue	0.2
11/16/16	Praecipe to Issue Summons	0.1
12/28/16	Review Order reassigning case to Judge Robart	0.1
01/09/17	Conference with Elwood Latta about serving process on Wang	0.3
01/24/17	Motion for Entry of Default	0.5
01/24/17	Review Notice of Appearance from Thomas Waller	0.1
02/02/17	Review Motion for Withdrawal by Thomas Waller	0.1
02/07/17	Review Answer from Wang	0.2
02/13/17	Review Order of Default, etc.	0.2
02/24/17	Review Entry of Default Order	0.1
03/01/17	Draft motion for default judgment	1.0
03/13/17	Review Wang's response to Motion for Default Judgment	0.3
03/17/17	Draft Reply to Wang's response on default judgment	1.0
04/04/17	Review Order setting aside default only	0.3
04/05/17	Review Initial Scheduling Order	0.1
04/17/17	Letter to Wang	0.1
04/19/17	Call to Wang	0.1
04/21/17	Call to Wang	0.1
04/21/17	String of emails to and from Wang	0.2
04/25/17	Call to Wang	0.1
05/03/17	Letter to Wang	0.1
05/11/17	File Joint Status Report, including conferencing with Wang	1.0

DETAIL OF TIME EXPENDED BY JOHN W. MERRIAM, CO-COUNSEL
FOR PLAINTIFF - 2
CASE NO. 2:16-cv-01738-JLR

JOHN W. MERRIAM
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DATE	ACTIVITY	HOURS
05/15/17	Review Order Setting Trial Date and Pretrial Deadlines	0.1
05/31/17	Preparation and taking of Wang's deposition	5.0
06/02/17	Letter to client	0.1
07/07/17	Letter to Wang	0.1
07/11/17	Draft Motion for Partial Summary Judgment	4.0
07/17/17	Draft discovery request to defendant	1.0
07/31/17	Review Wang's Response to Motion for Partial Summary Judgment	0.5
08/04/17	Reply Memorandum on Motion for Partial Summary Judgment	1.0
08/20/17	Review Wang's Answer and Counterclaim	0.2
08/22/17	Review Order striking counterclaim	0.1
08/22/17	Call to Wang	0.1
08/23/17	Review defendant's objection to discovery	0.1
09/19/17	Call to Wang	0.1
10/31/17	Review Order denying Motion for Partial Summary Judgment	0.3
03/30/18	File Notice of Association with Neil Lindquist	0.1
07/06/18	Draft Pretrial Order	0.5
07/08/18	Stipulated Motion to Extend Discovery	0.3
07/10/18	Review Order denying discovery motion	0.1
07/10/18	Draft Joint Request for Settlement Conference	0.2
07/11/18	Review Order denying settlement conference	0.1
07/23/18	Review Minute Order regarding Pretrial Conference	0.1

DETAIL OF TIME EXPENDED BY JOHN W. MERRIAM, CO-COUNSEL
FOR PLAINTIFF - 3
CASE NO. 2:16-cv-01738-JLR

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DATE	ACTIVITY	HOURS
07/23/18	Review Order to Show Cause	0.1
07/24/18	Review defendant's Pretrial Order	0.2
07/24/18	Review Wang's Response to Show Cause Order	0.2
07/25/18	Review Order regarding Show Cause	0.1
07/30/18	Draft and submit Stipulated Pretrial Order	0.5
07/30/18	Reply to defendant's response to Show Cause Order	0.5
08/01/18	Review defendant's Opposition to Sanctions	0.1
08/02/18	Draft Notice of Possible Witness Intimidation	0.2
08/02/18	Review Order of Sanctions	0.2
08/06/18	Review Neil Lindquist's trial brief	1.0
08/06/18	Review defendant's trial brief	0.2
08/06/18	Review plaintiff's Proposed Findings of Fact and Conclusions of Law	0.2
08/06/18	Review defendant's Proposed Findings of Fact and Conclusions of Law	0.1
08/12/18	Trial preparation	8.0
08/13/18	Trial preparation and trial	8.0
08/14/18	Trial preparation and trial; post-trial debriefing of George Johnson and Elwood Latta	6.0
08/20/18	Review and revise Neil Lindquist's brief on damages	1.0
08/20/18	Review Wang's brief on damages	0.3
09/12/18	Review Findings of Fact and Conclusions of Law	1.0
TOTAL HOURS		54.80

DETAIL OF TIME EXPENDED BY JOHN W. MERRIAM, CO-COUNSEL
FOR PLAINTIFF - 4
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1
2 Dated this 24th day of September, 2018.

3 LAW OFFICE OF JOHN MERRIAM

4 By: /s/ John W. Merriam

5 John W. Merriam, WSBA #12749

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7 Seattle, WA 98199

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10 Email: john@merriam-maritimelaw.com

11 Attorney for Plaintiff